

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
EDMIN ALICEA,

Plaintiff,

13-cv-7073 (JGK) (GWG)

-against-

THE CITY OF NEW YORK,
POLICE OFFICER ALEJANDRO RIVAS (TAX 925987),
DETECTIVE RICHARD BABOOLAL (TAX 924906),
POLICE SERGEANT FREDY CRUZ (TAX 915528),
POLICE OFFICER PAUL ARICO (TAX 903358),
POLICE OFFICER TERRENCE MCGRATH (TAX 924169),
and POLICE OFFICER BRENDAN REGAN (TAX 904868),

Defendants.
-----X

**DECLARATION OF
EDMIN ALICEA**

Plaintiff EDMIN ALICEA, hereby declares, under penalty of perjury and pursuant to 28 USC § 1746, that the foregoing is true and correct:

1. I am over the age of 18 and a resident of New York state.
2. I make this declaration on my personal knowledge, and am competent to testify on the matters stated.
3. I have reviewed the photographs attached to my declaration as Exhibits 1-2.
4. I recognize the person portrayed in the photographs attached as Exhibits 1-2.
5. This person is one of the three police officers who were present when I was arrested on March 27, 2012 on 172nd Street between Broadway and Fort Washington Avenue in New York ("Scene of the Arrest").
6. Specifically, this is the police officer who I identified in my deposition dated August 12, 2014 as the "[s]hort, stocky, Hispanic" officer who "was sitting in the back of the car" and then came out the car when I was arrested. (Aug. 14, 2014 Dep. Tr. of Edmin Alicea ("Alicea

Dep. Tr.") at 76:1-5.)

7. I have reviewed the photographs attached to my declaration as Exhibits 3-4.

8. I recognize the person portrayed in the photographs attached as Exhibits 3-4.

9. This is the police officer who drove the vehicle taking me from the Scene of the Arrest to the 33rd Precinct. He is the officer with "[s]andy brown hair [and a] bushy mustache" who "came out the driver's side" when I was being handcuffed." (Alicea Dep. Tr. at 73:6-10.)

10. I have reviewed the photographs attached to my declaration as Exhibits 5-6.

11. I recognize the person portrayed in the photographs attached as Exhibits 5-6.

12. This is the first police officer who approached me at the Scene of the Arrest. He is the officer with the "spike hair [and] shaved sides" who choked me and handcuffed my hands behind my back. (Alicea Dep. Tr. at 68:5-70:8.) This is the same police officer who then "grabbed the handcuffs and yanked my hands up so I was standing on my tippy toes and I screamed and it felt like I had a pop coming out of my shoulder." (*Id.* at 70:21-71:1.)

Executed on: November 5, 2015
New York, New York

By:


EDMIN ALICEA

EXHIBIT 1



EXHIBIT 2



EXHIBIT 3

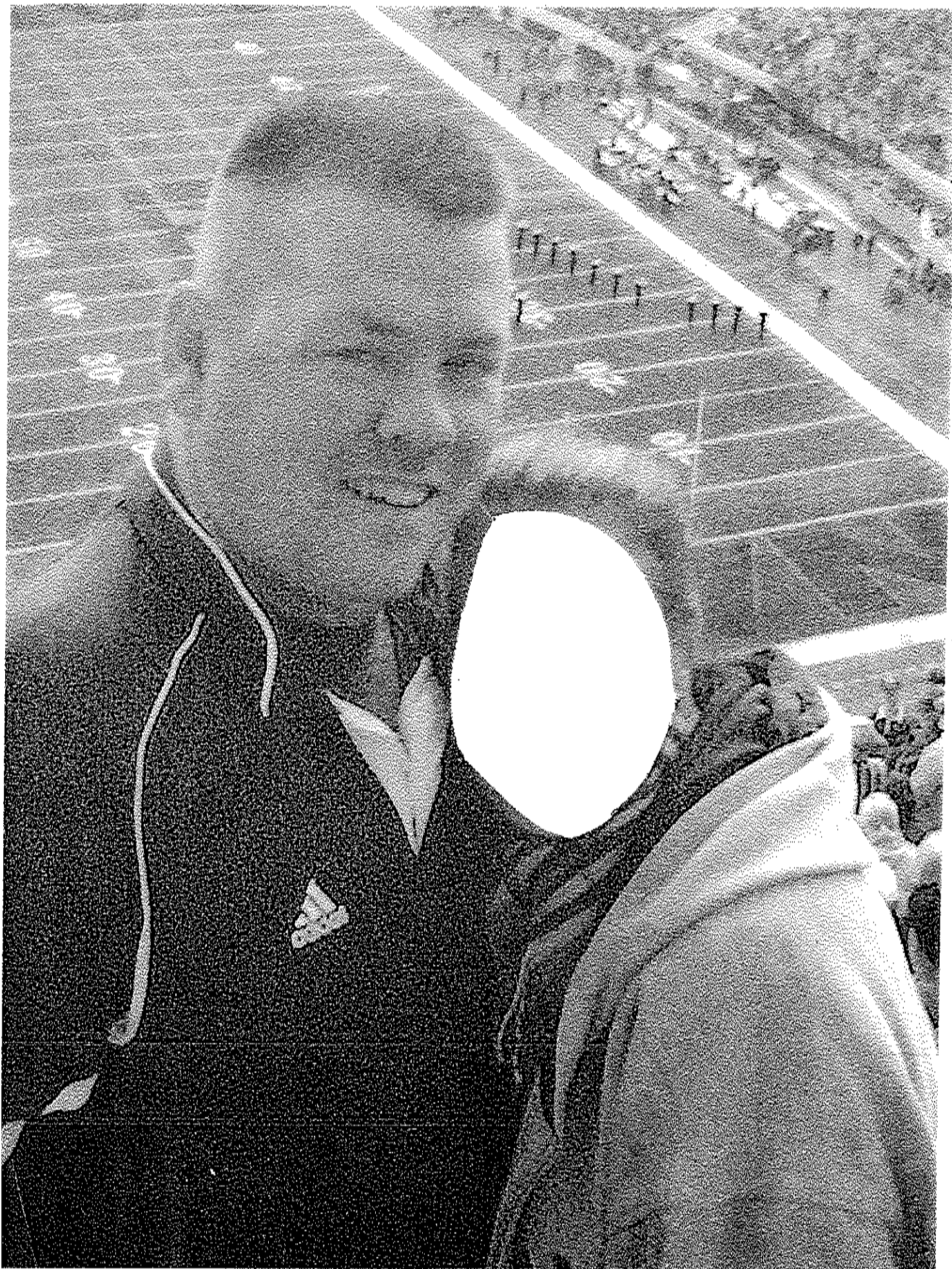


EXHIBIT 4



EXHIBIT 5



EXHIBIT 6

